

EXHIBIT “B”

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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

DEC 16 2005
 at 10 o'clock and 25 min. A.M.
 SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00373-DAE
)	
Plaintiff,	)	APPLICATION AND ORDER REGARDING
	)	TEMPORARY TRANSFER OF CUSTODY TO
v.	)	THE STATE OF HAWAII REGARDING
	)	WRIT OF HABEAS CORPUS AD
LESLIE ANN KAKINAMI,	)	PROSEQUENDUM; EXHIBITS "A AND
	)	B"; AND ORDER
Defendant.)	
)	

APPLICATION AND ORDER
 REGARDING TEMPORARY TRANSFER OF CUSTODY TO THE
STATE OF HAWAII REGARDING WRIT OF HABEAS CORPUS AD PROSEQUENDUM

J. ALBERTO MONTALBANO, Deputy Prosecuting Attorney for the City and County of Honolulu, State of Hawaii, hereby moves the Honorable Court for an Order authorizing the temporary transfer of the physical custody of LESLIE ANN KAKINAMI from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials at any time or times deemed necessary until the conclusion of State of Hawaii v. LESLIE ANN KAKINAMI, Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, 05-1-1736.

Defendant LESLIE ANN KAKINAMI is now detained in the custody of the United States Marshal Service, District of Hawaii, pending jury trial.

Defendant LESLIE ANN KAKINAMI has a change of plea and resentencing before the Honorable Michael A. Town, Judge of the Circuit Court of the First Circuit, State of Hawaii, currently scheduled for January 18, 2006; 8:30 a.m.

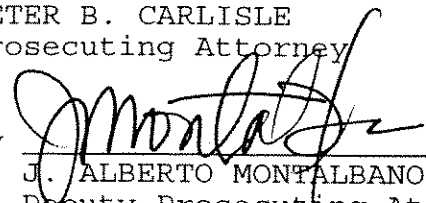
The State of Hawaii has received approval for a temporary transfer of custody from the Assistant United States Attorney assigned to the above matter (see, Exhibit "A").

This Application requests that the Court grant a temporary transfer of the physical custody of LESLIE ANN KAKINAMI from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials, based on the State of Hawaii's Writ of Habeas Corpus ad Prosequendum filed on December 13, 2005, in the Circuit Court of the First Circuit, State of Hawaii (see, Exhibit "B").

Upon conclusion of State of Hawaii v. LESLIE ANN KAKINAMI, Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736, Defendant LESLIE ANN KAKINAMI will be returned to the United States Marshal Service, District of Hawaii.

Dated: December 14, 2005, at Honolulu, Hawaii.

By PETER B. CARLISLE
Prosecuting Attorney

By 
J. ALBERTO MONTALBANO
Deputy Prosecuting Attorney
City and County of Honolulu

DEPARTMENT OF PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULUALII PLACE
1060 RICHARDS STREET • HONOLULU 11, HAWAII 96813
TELEPHONE: (808) 547-7400 • FAX: (808) 547-7515 • INTERNET: www.co.honolulu.hi.usPETER B. CARKISLE
PROSECUTING ATTORNEYIWALANI D. WHITE
FIRST DEPUTY PROSECUTING ATTORNEY

October 18, 2005

Wes Porter,
Assistant United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Boulevard
Ewa Wing, 6th Floor
Honolulu HI 96813

Re: State of Hawaii v. Leslie Ann Kakinami
Criminal Nos. 02-1-2375, 02-1-0580, 02-1-1438,
02-1-2376, 03-1-0642, 03-1-0643,
03-1-0644, 05-1-1615, 05-1-1718, and 05-1-1736

Dear Mr. Porter:

I understand the above-named individual is currently in the custody of the federal government. The State of Hawaii has ten (10) cases involving the same individual and would like your approval to take custody of this person for one day on January 18, 2006. The State of Hawaii will later make arrangements with you for the Defendant's future State court appearances.

Please sign below if you agree to this request and FAX a copy of this letter to me, FAX no. 547-7513. Our office will then file a Writ of Habeas Corpus ad Prosequendum and an Order Granting the Temporary Transfer of Custody.

If you have any questions, please call me at 547-7467.
Thank you for your cooperation in this matter.

Very truly yours,

Darcie C. S. Ho
Darcie C. S. Ho
Paralegal

APPROVED:

Wes Porter
Assistant United States Attorney

OPTIONAL FORM 80 (7-80)

FAX TRANSMITTAL

of pages 1

To <i>Darcie Ho</i>	From <i>Wes Porter</i>
Dept./Agency	Phone #
Fax # <i>547-7513</i>	Fax #

NSN 7540-01-317-7300

5009-101

GENERAL SERVICES ADMINISTRATION

EXHIBIT "A"

PETER B. CARLISLE 2209
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City and County of Honolulu
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FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2005 DEC 13 AM 10:04

H. CHING
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE)	S. P. NO. <u>05-1-0488</u>
APPLICATION OF THE STATE OF	)	(Cr. Nos. 02-1-0580, 02-1-1438,
HAWAII FOR A WRIT OF HABEAS	)	02-1-2375, 02-1-2376, 03-1-0642,
CORPUS AD PROSEQUENDUM RE	)	03-1-0643, 03-1-0644, 05-1-1615,
LESLIE ANN KAKINAMI,	)	and 05-1-1736)
)	
Defendant.	)	APPLICATION FOR WRIT OF HABEAS
	)	CORPUS AD PROSEQUENDUM; ORDER
	)	DIRECTING ISSUANCE OF WRIT OF
	)	HABEAS CORPUS AD PROSEQUENDUM;
)	WRIT OF HABEAS CORPUS AD
)	PROSEQUENDUM

APPLICATION FOR WRIT OF
HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE MICHAEL A. TOWN, JUDGE OF THE ABOVE ENTITLED COURT:

Comes now the STATE OF HAWAII, by J. ALBERTO MONTALBANO, Deputy Prosecuting Attorney of the City and County of Honolulu, State of Hawaii, and respectfully alleges as follows:

1. That LESLIE ANN KAKINAMI has several cases in the Circuit Court of the First Circuit, Honolulu, Hawaii, Criminal Nos.

02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736;

2. That resentencing in Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, and 03-1-0644 and change

EXHIBIT "B"

of plea in Criminal Nos. 05-1-1615 and 05-1-1736 are scheduled for January 18, 2006, 8:30 a.m., before the Honorable MICHAEL A. TOWN;

3. That said Defendant is now imprisoned as a federal prisoner under the custody of the UNITED STATES MARSHAL, District of Hawaii, and is being detained at the Federal Detention Center, Honolulu, Hawaii; and

4. That in order to procure Defendant's presence in the Circuit Court of the First Circuit, it is necessary that a Writ of Habeas Corpus ad Prosequendum be issued, pursuant to Chapter 660, Hawaii Revised Statutes.

WHEREFORE, Applicant prays that the Clerk of this Court be directed to issue a Writ of Habeas Corpus ad Prosequendum commanding the:

UNITED STATES MARSHAL, District of Hawaii, or his deputy, to make available the body of LESLIE ANN KAKINAMI to State of Hawaii Officials on January 18, 2006, and at any time or times deemed necessary until the conclusion of Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736,

STATE OF HAWAII OFFICIALS, upon taking custody of Defendant each time, to:

1. bring the said Defendant before the Honorable MICHAEL A. TOWN, Judge of the Circuit Court of the First Circuit, on January 18, 2006, at 8:30 a.m.;

2. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, that same day;

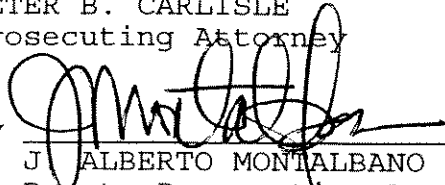
3. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736; and thereafter

4. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, each time.

Dated at Honolulu, Hawaii: December 6, 2005.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
J. ALBERTO MONTALBANO
Deputy Prosecuting Attorney
City and County of Honolulu

ORDER DIRECTING ISSUANCE OF
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the Clerk of this Court be and hereby is instructed to issue the Writ of Habeas Corpus ad Prosequendum prayed for in the foregoing Application.

Dated at Honolulu, Hawaii: DEC 13 2005

MICHAEL A. TOWN

MICHAEL A. TOWN
Judge of the above entitled court

WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: UNITED STATES MARSHAL, District of Hawaii, or His Deputy; and
STATE OF HAWAII OFFICIALS

GREETINGS:

We command that you, UNITED STATES MARSHAL, District of Hawaii, or your Deputy, produce the body of LESLIE ANN KAKINAMI, who is being detained as a federal prisoner under your custody, to STATE OF HAWAII OFFICIALS on January 18, 2006, and at any time or times deemed necessary until the conclusion of Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant to:

1. bring the said Defendant before the Honorable MICHAEL A. TOWN, Judge of the Circuit Court of the First Circuit, on January 18, 2006, at 8:30 a.m.;
2. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, that same day;
3. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736; and thereafter
4. return of said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, each time.

Upon completion of the above and conclusion of Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643,

03-1-0644, 05-1-1615, and 05-1-1736, it shall be deemed sufficient compliance with this writ.

WITNESS the Honorable MICHAEL A. TOWN, Judge of the Circuit Court of the First Circuit at Honolulu, Hawaii, and the seal of said Court this 12TH day of DECEMBER, 2005.

MICHAEL A. TOWN

Judge of the Circuit Court
First Circuit, State of Hawaii

/s/ ALDEN KAU
Clerk, Circuit Court, First Circuit
State of Hawaii

ORDER GRANTING TEMPORARY TRANSFER
OF CUSTODY TO THE STATE OF HAWAII
REGARDING WRIT OF HABEAS CORPUS AD PROSEQUENDUM

Upon reading and filing of the foregoing Application for Temporary Custody to the State of Hawaii Regarding Writ of Habeas Corpus ad Prosequendum and good cause appearing therefore,

IT IS HEREBY ORDERED that the United States Marshal Service, District of Hawaii, temporarily transfer the physical custody of Defendant LESLIE ANN KAKINAMI to State of Hawaii Officials at any time or times deemed necessary until the conclusion of State of Hawaii v. LESLIE ANN KAKINAMI, Criminal Nos. 02-1-0580, 02-1-1438, 02-1-2375, 02-1-2376, 03-1-0642, 03-1-0643, 03-1-0644, 05-1-1615, and 05-1-1736. Upon the conclusion of the case, State of Hawaii Officials is to return the said Defendant back to the United States Marshal Service, District of Hawaii.

Dated: _____ at Honolulu, Hawaii.

KEVIN S. C. CHANG
UNITED STATES MAGISTRATE JUDGE

United States v. Leslie Ann Kakinami
Cr. No. 05-00373-DAE
Application and Order Regarding
Temporary Transfer of Custody
to the State of Hawaii Regarding
Writ of Habeas Corpus ad Prosequendum